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Summary record of the 28th meeting
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Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-70062 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 107: Advancement of women (*continued*) (A/C.3/55/L.12 and L.15)

Draft resolution A/C.3/55/L.12: Traffic in women and girls

1. **The Chairperson** informed the Committee that draft resolution A/C.3/55/L.12 had no programme budget implications. Azerbaijan, the Bahamas, the Congo, Croatia, Ethiopia, the Gambia, Guatemala, Guinea, Hungary, Israel, Jamaica, Latvia, Liberia, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Namibia, Norway, Paraguay, the Republic of Korea, Romania, Rwanda, Swaziland, Togo, Uganda, the United Republic of Tanzania and Uzbekistan had become sponsors of the draft resolution.

2. **Ms. Newell** (Secretary of the Committee) drew attention to the oral corrections made at an earlier meeting by the main sponsor.

3. *Draft resolution A/C.3/55/L.12, as orally corrected, was adopted.*

4. **Mr. Kay** (United States of America), speaking in explanation of position after the adoption of the draft resolution, said that trafficking in women and children was a serious problem but his delegation, for several reasons, had not joined the sponsors. First, the use of the expression "women and girls" throughout the resolution excluded boys and young men, who were often the victims of trafficking. Second, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was not mentioned in the first preambular paragraph. Third, paragraph 6 implied there was universal jurisdiction over traffickers, whereas the more commonly accepted principle was the territorial concept of jurisdiction. Lastly, while he was in favour of the programmes listed in paragraph 9, it was impossible under the system of government in the United States to commit state and local governments to such expenditures.

Draft resolution A/C.3/55/L.15: Convention on the Elimination of All Forms of Discrimination against Women

5. **The Chairperson** informed the Committee that draft resolution A/C.3/55/L.15 had no programme budget implications. Antigua and Barbuda, Azerbaijan, Barbados, Belarus, Burkina Faso, the Congo, the Dominican Republic, Ethiopia, Guyana, Israel, Malaysia, Paraguay, Peru, Poland, Rwanda, Saint Lucia, Senegal, Togo, Uganda and Uzbekistan had become sponsors of the draft resolution.

6. **Ms. Newell** (Secretary of the Committee) drew attention to the oral correction made by the main sponsor at an earlier meeting.

7. *Draft resolution A/C.3/55/L.15, as orally corrected, was adopted.*

8. **Mr. Vaswani** (Singapore), speaking in explanation of position after the adoption of the draft resolution, said that article 19 of the Vienna Convention on the Law of Treaties explicitly permitted reservations that were compatible with the object and purpose of the relevant treaty. In the same vein, article 28, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women only forbade reservations that were incompatible with its object and purpose. It was therefore inappropriate to insist that State parties should regularly review permissible reservations with a view to withdrawing them. The purpose of reservations was to allow as many countries as possible to become parties to international treaties at the earliest opportunity, and the apparent trend to discourage reservations would only make it more difficult for them to do so.

9. His comments should be taken to apply to all such references in draft resolutions to reservations.

10. **Mr. Kay** (United States of America) stressed that the only criterion for judging whether or not a reservation to a treaty was acceptable was that the reservation must be compatible with the object and purpose of the treaty.

11. **Mr. Naber** (Jordan) supported the statement by the representative of Singapore.

Agenda item 112: Elimination of racism and racial discrimination *(continued)* (A/55/18 and Add.1, 203, 266, 285, 304, 307 and 459)

Agenda item 113: Right of peoples to self-determination *(continued)* (A/55/176 and Add.1, and 334)

12. **Mr. Rogov** (Russian Federation) said it was appropriate that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance was to be held in South Africa, a country

that had become a symbol of the struggle for human dignity. As pointed out by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/54/347), increasingly sophisticated and dangerous forms of racism were emerging, sometimes as an integral part of State policy. Public condemnation alone was not enough: a broader approach was needed that also targeted national extremism and discrimination against minorities. He supported the Special Rapporteur's call for greater efforts to raise public awareness. Dialogue was the key to improving mutual understanding between peoples and combating hatred and ethno-cultural fragmentation.

13. Efforts at the regional level to combat racism were important. He called on the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and the United Nations High Commissioner for Human Rights to react vigorously to the unacceptable situation in Latvia and Estonia where people had no right to use their mother tongue and were deprived of citizenship because of their ethnicity and where those combating Nazism were thrown into jail. At the forthcoming European Ministerial Conference on Human Rights, to be held in Rome, his Government intended to sign Protocol No. 12 to the European Convention on Human Rights, which he expected to become a key part of the European human rights system.

14. The right of peoples to self-determination must be interpreted as being inseparable from other principles of international law, and not as permission or encouragement to violate fully or partially the territorial integrity of sovereign independent States. As the Foreign Minister of the Russian Federation had stressed at the Millennium Summit, the concepts of sovereignty and territorial integrity were not obsolete. The basis of world order was undermined by military intervention, even on humanitarian grounds, that bypassed the Security Council. The main challenge facing the international community was to curb the threat of violent separatists, including terrorists. Self-determination was only possible within a democratic process where individuals were free to decide on their own future and that of their country, as was the case in the Russian Federation.

15. **Mr. Heyward** (Australia) said that his Government fully supported the objectives outlined in General Assembly resolution 52/111 for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, particularly with regard to action-oriented measures aimed at combating racism. He welcomed the statement by the High Commissioner for Human Rights at the Millennium Summit which presented a vision of a world in which diversity of race and culture was not a limiting factor in human exchange and development, but a means to mutual enrichment.

16. That vision echoed his Government's approach at home, with its policy of protecting the right of all Australians to express their cultural heritage within an overriding commitment to the basic values of Australian society. As the Australian Minister for Multicultural Affairs had put it, what united Australia's culturally diverse society was not necessarily a common birthplace but a common commitment to shared national values. The Government was committed to confronting the ongoing social and economic disadvantage faced by many indigenous people in Australia through practical programmes to improve their health, housing, employment and education opportunities, so as to ensure that indigenous Australians could fully participate in civil and political life. Its commitment to reconciliation between indigenous and other Australians was an integral part of its commitment to a fairer Australian society.

17. Australia was not completely immune to intolerance and prejudice based on race and culture, but the great majority of Australians found such attitudes offensive and contrary to their tradition of tolerance and harmonious coexistence with newer arrivals. The centrepiece of the Government's "Living in Harmony" programme was the funding it provided for projects which promoted community harmony, reduced bigotry and further raised cross-cultural awareness and tolerance. That sort of partnership approach was also necessary at the regional and global levels and was reflected in the High Commissioner's statement, which envisioned a world in which the exercise of individual gifts and personal rights was affirmed by the dynamic solidarity of the human family.

18. The themes for the provisional agenda of the World Conference provided a solid basis for seeking forward-looking and constructive outcomes, but a focus on compensatory measures in the fourth theme would be unlikely to yield such outcomes and would not be conducive to agreement on the agenda for

cultural change envisioned in the High Commissioner's statement. Rather, the main focus should be on prevention, education and protection and on strategies to achieve full and effective equality.

19. With a view to formulating a practical programme of action, the High Commissioner had made inclusiveness a key theme of her approach to the World Conference. Unfortunately, the Asian Group had decided to organize the Tehran regional preparatory meeting in such a way as to exclude Australia and New Zealand from full participation. That situation was not only anomalous, but was also inconsistent with previous practice. Australia was a successful multicultural society, as showcased in the recent Sydney Olympic Games, and should be accorded the same rights of participation in preparations for the World Conference as all other Member States.

20. **Ms. El Hajaji** (Libyan Arab Jamahiriya) said that, while the past century had seen the end of apartheid in South Africa, it had also witnessed genocide on an unprecedented scale; ethnic cleansing carried out in formerly harmonious communities; the ferocious growth of globalization; an upsurge in racism and racial discrimination and an increase in legislation detrimental to migrants and refugees. A further contradiction was that, while many States and economies had formed blocs, and the capital of multi-national corporations equalled that of a number of rich countries, many other States were experiencing separatist movements, unrest among minorities, or were splitting up into different regional entities after conflicts that had cost thousands of lives.

21. The colonialist Powers had claimed that their aim was to develop Africa, but they had, on the contrary, done much to destroy the countries of that continent, while exploiting its resources to enrich themselves. Africans were rejected and even killed in the very countries which their suffering had so greatly benefited. The colonialist legacy was responsible for many of Africa's present ills, while Africans were the butt of every form of racism and racial discrimination.

22. The spread of racist and xenophobic ideas had been greatly facilitated by the Internet and modern technology, which it had been hoped would be used for worthier purposes. There was therefore a need for increased international cooperation in that field.

23. Compensation for the victims of racial discrimination and the punishment of the guilty were matters of the greatest interest to her country. She therefore looked forward to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in South Africa in 2001, and hoped that consensus would be reached as to its agenda and victim compensation mechanisms. She also emphasized that the outcome of the Conference should be followed up by Governments, the Commission on Human Rights and other relevant United Nations agencies and non-governmental organizations.

24. **Mr. Naber** (Jordan) said that his country completely supported the holding of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, since it would provide the opportunity for priorities to be drawn up for action against those phenomena, which were prevalent in so many countries and threatened international peace and security. Comprehensive preparations must be made for the Conference at all levels. The Jordanian Government therefore welcomed the holding in Amman in February 2001 of the conference of Asian and Pacific non-governmental organizations.

25. Despite all the endeavours to combat racism and racial discrimination, embodied in the relevant international instruments, there had been an upsurge in such phenomena that had been greatly facilitated by the Internet and the communications revolution. A determined political will on the part of the international community was essential in order to deal with that disturbing situation.

26. His Government had consistently attempted to use dialogue and maintain an open attitude in its crisis-torn region and in regard to its domestic policies and legislation, in keeping with its commitment to the main human rights instruments. There was a need to protect the cultural diversity of society while preserving the coherent identity of the nation. It was not enough to reaffirm tolerance and to defend human rights, which in Jordan were guaranteed by law. The rights of minorities must also be respected and their representation in political life guaranteed. Jordan spared no effort or expense in implementing policies aimed at preserving the rights of the least fortunate sectors of society and ensuring their participation in society.

27. The right of peoples to self-determination was a peremptory norm of general international law. The peoples of Asia, Africa and Latin America had made great sacrifices in order to win that right, which the United Nations had always upheld. The Palestinian people, however, notwithstanding numerous United Nations resolutions, had for 50 years been subjected to the most repugnant forms of oppression and persecution and prevented from exercising its legitimate right to self-determination in its national territory. Recent events in the occupied territories and Jerusalem provided the clearest illustration of such oppression.

28. His delegation hoped that the Sharm al-Sheikh agreement would succeed in halting the violence and allow the peace negotiations to be resumed, as a step towards a just and comprehensive settlement of the Palestinian question that would guarantee the Palestinian people's inalienable right to self-determination and to establish an independent State with Jerusalem as its capital.

29. **Mr. Bhatti** (Pakistan) said that his delegation associated itself with the statement made on the previous day by the representative of Nigeria on behalf of the Group of 77 with regard to agenda item 112. Racism, an affront to human dignity, contradicted the principles enshrined in the Universal Declaration of Human Rights and other human rights instruments. During the past century, humanity had gravely suffered from that scourge in various parts of the world. Over the past 50 years, concerted efforts had been made to eliminate it. In that regard, the Millennium Declaration had reaffirmed the commitment of the international community at the highest political level.

30. His Government welcomed the decision to hold the World Conference in South Africa — itself one of the worst victims of racism — which would send a strong symbolic message to the world. Regrettably, new forms of racism appeared to be on the rise throughout the world. The use of the electronic and print media and new communication technologies such as the Internet to incite racial hatred was particularly disturbing.

31. The Government of Pakistan firmly believed that innovations and advancements in science and technology should be devoted to the betterment of humanity, and that information technology could be an effective tool for promoting understanding and harmony among peoples of differing races and religions. The international community must take all possible measures to discourage the misuse of information technology by hate groups and racist organizations.

32. In 1999, his Government had proposed the establishment of a voluntary code of conduct to control misuse of the Internet; it therefore fully endorsed the proposal of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to initiate intergovernmental consultations with a view to regulating the use of the Internet for racist purposes and to harmonizing relevant criminal legislation.

33. His Government was, moreover, particularly concerned about the growing tendency to portray the tenets, rituals and followers of Islam in a negative light; that tendency was evident even within the halls of the United Nations itself. In many societies, Muslims were the target of hatred. Islamophobia would erode the process of building a tolerant and harmonious world. It was ironic that Islam, which taught tolerance and brotherhood and opposed any kind of inequality or discrimination on the basis of race, sex, colour, origin or social status, had become the target of such slander and discrimination.

34. The Government therefore welcomed the resolution adopted by the Commission on Human Rights which denounced attempts to defame Islam and link it with terrorism, and applauded the appeal made by the President of the Islamic Republic of Iran to establish a dialogue among civilizations. The world community must reject all notions of racial and cultural superiority and promote harmony and peaceful coexistence among individuals, groups and civilizations.

35. **Mr. Baali** (Algeria) said that, in Europe and throughout the world, the number of racist actions had been increasing daily, despite the efforts of the public authorities, targeting such diverse groups as migrant workers, refugees, asylum-seekers, ethnic and religious minorities and native populations. He welcomed the eloquent testimony of the Special Rapporteur on contemporary forms of racism to the effect that the resurgence of racist acts was attributable to the proliferation of racist and neo-Nazi groups which, in the name of freedom of expression, promoted the rejection of foreigners. Governments must accord

absolute priority to legal and political measures combat racism, including sanctions against persons who committed racist offences. Left unpunished, organizations and individuals which incited xenophobic violence would continue to act. The world community must work together to formulate a code of conduct for Internet service providers so that new technologies could become an effective instrument in the struggle against racist propaganda, rather than contributing to hateful racist discourse.

36. Nearing its end, the Third Decade to Combat Racism and Racial Discrimination had failed to achieve its objectives, owing to a lack of resources for the implementation of its programmes and to an absence of political will. The Government of Algeria, which had contributed regularly to the Trust Fund for the Programme of Action for the Third Decade, called on all other States to do the same. In that context, the forthcoming World Conference would enable the international community to assess progress made and identify the obstacles that remained. The choice of South Africa as host was both a symbol and a posthumous homage to all the known and unknown martyrs who had risen against the system of apartheid and created the pluralistic society that had supplanted it. The Government of Algeria, which would contribute its utmost to the success of the Conference, called on the participation of the entire United Nations system, and urged States that had not yet done so to ratify or accede to the International Convention on the Elimination of All Forms of Racial Discrimination.

37. With regard to the right of peoples to self-determination, he noted that the year 2000, marking as it did the fortieth anniversary of the adoption of General Assembly resolution 1514 (XV), had given fresh impetus to the movement for self-determination and provided an occasion for assessing progress in achieving its goals. Although more than 80 countries had achieved independence, the work of decolonization would not be finished until all peoples could exercise that inalienable right.

38. The heroic Palestinian people continued to clamour for its legitimate right to establish its own State on the land of its ancestors. The Algerian Government deplored the new wave of repression that had in recent weeks caused the deaths of more than a hundred Palestinians, mostly youths and children. That repression must stop; Israel must conform to the provisions of the Fourth Geneva Convention and international law.

39. In Western Sahara, the Sahrawi people continued its courageous fight for self-determination. The long-drawn-out settlement process had still not concluded; the referendum had been postponed year after year. Despite encouraging progress, problems continued to arise.

40. His Government wished to remind the United Nations of its responsibility toward the Sahrawi people and called on the international community, in particular the Security Council, scrupulously to monitor application of the settlement plan and the implementation agreements. Only the holding of an impartial referendum, allowing the Sahrawi people freely to exercise its choice, would bring about a just and definitive settlement.

41. **Mr. Hunte** (Saint Lucia) said that respect for equal rights and self-determination, proclaimed in the Charter of the United Nations, had served as a guiding principle for small developing States like Saint Lucia in the ongoing self-determination process under way in the Caribbean region. Although 80 former Territories had achieved self-determination, 17 island Territories in the Caribbean and the Pacific retained their non-self-governing status. There was a continuing need to struggle for those who remained on the periphery so as to fulfil the promise of political equality for the peoples of the small island Territories.

42. In the new millennium, ways must be found to remedy the "democratic deficits" of many of those dependencies. To that end, the international community should strongly reaffirm the right of those peoples to self-determination. The United Nations should promote the formulation of political education programmes to foster their awareness of that right and of their political status options, as defined in General Assembly resolutions 1514 (XV) and 1541 (XV), in order to prepare them to make informed decisions on their political future. It should also proclaim a second International Decade for the Eradication of Colonialism for 2001-2010, in order to ensure the implementation of the remaining goals. The second Decade had been endorsed by the Movement of Non-Aligned Countries, and was to be considered for adoption by the General Assembly at the current session.

43. The right to self-determination was defined as a fundamental human right in a number of principal human rights instruments, and attention was being paid to that issue by such bodies as the Commission on Human Rights and the Human Rights Committee. Thus, the international community was becoming more aware of the need for peoples to exercise their right to self-determination, and of the need to develop mechanisms to ensure the exercise of that right in conformity with General Assembly resolutions.

44. The Special Committee on decolonization, for its part, had insufficient resources to fulfil the comprehensive mandate of self-determination for the small island Territories. In fact, few acts of self-determination had been accomplished in the small island Territories during the first International Decade for the Eradication of Colonialism. The Government of Saint Lucia hoped that the wider United Nations system would make a concerted effort to ensure that sacred right, and proclaim a second Decade for that purpose.

Statements made in exercise of the right of reply

45. **Mr. Menkerios** (Eritrea) said that regrettably he must reply to the lies spewed out by the representative of Ethiopia at the previous meeting. The representative of Ethiopia had accused Eritrea of committing abuses against Ethiopians living in that country, whereas in fact the crimes committed by the Ethiopian regime against Eritrean civilians had been widely publicized and verified by independent witnesses.

46. Eritrea's position on racism was clear: unlike Ethiopia, it had never expelled people of other countries because it "did not like the colour of their eyes". The Ethiopian regime had expelled and confiscated the property of over 75,000 Eritreans living in Ethiopia, and had incarcerated thousands in concentration camps. It had demonstrated its inhumanity by killing, raping, amputating the limbs of children, torturing and committing acts of mass destruction in the Eritrean territories it continued to occupy. Those facts had been corroborated by independent witnesses and widely reported in the media. The Ethiopian Government, an ethnic minority regime, had demonstrated a rabid hatred of Eritreans which hollow, unsubstantiated allegations could not erase.

47. For the past two and a half years, the Eritrean Government had requested the Commission on Human Rights to send observers to Eritrea and Ethiopia to investigate and monitor the human rights record in those two countries. Tellingly, the Government of Ethiopia had refused to permit them to visit. He urged the representative of that country to join him in inviting independent observers to conduct investigations, and to report their findings to the Third Committee. The damning evidence produced by Amnesty International and Human Rights Watch had apparently been unconvincing.

48. **Mr. Tessema** (Ethiopia) said that the Eritrean regime had yet again sought to misinform the international community. Despite all the colourful fabrications, his delegation was determined to adhere to fact. The international community was well aware that it had been the Eritrean regime that had initiated the problem by committing international crimes: invading Ethiopia in May 1998 and occupying Ethiopian territory for over two years. The Eritrean Government had, moreover, rejected all possible means of peaceful resolution of the conflict. Ethiopia had always maintained its position that aggression should not be rewarded, but rather reversed — if not through peaceful means, then in self-defence. Given that the leaders in Asmara had continued to defy international norms of behaviour, Ethiopia had had no option but to reverse the aggression once and for all.

49. Meanwhile, daily war crimes against Ethiopian citizens were on the increase and over 30,000 Ethiopians had been incarcerated. Even after the signing of the Agreement on Cessation of Hostilities in June 2000, over 20,000 Ethiopians had been forced to cross minefields and flooded rivers. Women detained at the border by Eritrean troops continued to be subjected to atrocities, including rape. The Eritrean regime was also responsible for the disappearance of thousands of Ethiopians in Eritrea. Not even the International Committee of the Red Cross had access to the slave labour in Eritrea.

50. The primary responsibility of any nation was to protect its citizens from such wanton acts. His delegation appealed to the international community to act urgently to save the lives of innocent people whose only crime was to be Ethiopian. It was laughable for the representative of a country without a constitution to lecture another.

51. **Mr. Menkerios** (Eritrea) said that certain issues would be more appropriately discussed under other agenda items. His delegation had already amply demonstrated Ethiopia's aggression. It was difficult, however, not to respond to certain allegations. He could provide independent media reports confirming his position and wished to know whether the representative of Ethiopia could do the same. The Eritrean Government was also prepared to renew its invitation to independent observers to visit the country at any time and to report to the Committee. He wished to know whether Ethiopia was also ready to accept such observers.

52. **Mr. Tessema** (Ethiopia) said that delegations were not supposed to negotiate government positions in the Third Committee. At no time had his own Government refused to accept any human rights observers, as the Office of the United Nations High Commissioner for Human Rights would no doubt confirm. The High Commissioner had in fact just returned from a visit to his country. Ethiopia possessed its own human rights ombudsman and had always cooperated with human rights bodies, including those critical of the Government's record. The real issue at stake, therefore, was Eritrea's aggression. An invitation to observers in the midst of conflict merely constituted a public relations stand.

53. He wished it to be recorded that the Eritrean regime, engaged in its usual prevarications, was alleging that Ethiopia had deported Eritreans and Ethiopians of Eritrean origin merely in order to whitewash Eritrea's own unabated and gross violations of the human rights of innocent Ethiopian nationals over the past two years. His delegation had already replied in detail to that "humdrum" allegation. As a victim of aggression, and in the interests of national security, Ethiopia had naturally taken precautionary measures at the beginning of the conflict against some Eritrean nationals engaged in clandestine activities. However, those measures had been taken in transparency and only following thorough investigations. At no time had his Government violated the human rights of the hundreds of thousands of Eritrean nationals who continued to lead normal lives in Ethiopia.

54. **Mr. Zahid** (Morocco) said that the Algerian delegation knew full well that the Security Council was already dealing with the situation concerning Western Sahara. He was shocked by his Algerian brothers' obstinacy in raising so "manufactured" an issue in each and every forum. Not only was it totally unwarranted; it merely served to poison the atmosphere and to hamper United Nations efforts to resolve the problem.

55. Moreover, it was not for the representative of Algeria to state that there was no alternative but for the international community to scrupulously monitor implementation of the settlement plan, when it was clear who had been responsible for obstructing the process over the past decade. Morocco, for its part, had accepted the settlement plan as early as December 1991; however, letters published as official documents revealed that the Government of Algeria and the Frente POLISARIO (Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro), for their part, had not. In 1993, the Frente POLISARIO and its supporters — not Morocco — had rejected the compromise solution put forward by the Secretary-General. In 1995, moreover, the Frente POLISARIO had refused to include a considerable number of Saharan tribes in the identification process, further blocking that process until 1997. In 1997, the Houston agreements had not been respected, since the Frente POLISARIO had proved willing to identify only a small percentage of the Saharans. Indeed, thanks only to the arbitration of the Secretary-General in late 1998 — and to the protocols of 1999 — the Saharans had finally been identified. Thus, there was no doubt which of the parties had been responsible for the delays.

56. Morocco had merely recovered an integral part of its own territory in accordance with international law. It had initiated the referendum in good faith and had thus far always cooperated with the United Nations. As the Secretary-General had pointed out in his latest report on the situation (S/2000/683), there was a "lack of progress" on the issue, and "multiple problems" relating to the implementation of the settlement plan remained. Those problems were clearly the result of the obstinacy and obstruction of others. His own Government, desiring an end to the suffering of its Saharan brothers in the Tindouf refugee camps, had offered to initiate a frank and sincere dialogue to find a permanent solution within the framework of Moroccan sovereignty.

57. His delegation would appreciate information on the Tindouf camps, where refugees were not allowed to circulate without military authorization. Algeria continued to refuse to repatriate the refugees; surely

that was the unresolved humanitarian issue. It was to be hoped that the international community would take appropriate measures.

58. **Mr. Baali** (Algeria) said that he had expected his brother from Morocco to remain silent, since nothing in his own statement had been calculated to shock or to displease him. The situation concerning Western Sahara clearly involved the right to self-determination of a people under foreign occupation. He had merely reiterated points traditionally made by his delegation under the current agenda item — uncontroversial points echoed annually in General Assembly resolutions. He was in fact surprised that the representative of Morocco had not fully supported his statement.

59. As an observer of the process, Algeria agreed with the international community and Morocco that the settlement plan and Houston agreements should be fairly and honestly implemented. All parties had agreed on the need to surmount the remaining obstacles to implementation. For there to be an end to the tragic conflict which had pitted Moroccans against their Saharan brothers for more than 25 years, there must be a free and fair referendum for self-determination. The Western Sahara question was a decolonization issue, and the framework for a resolution of the situation was the settlement plan.

60. On the subject of propaganda, he had found no trace of the trumpeted support of the European Union, which appeared to exist only as a figment of his Moroccan brother's imagination. He was, however, pleased that the Moroccan delegation had begun to refer to the Frente POLISARIO by name, and not merely as "the other party".

61. **Mr. Zahid** (Morocco) replied that his delegation would never remain silent when national interests were at stake, especially not on an issue so dear to the Moroccan people's hearts. It was indeed shocking that the Western Sahara question should be raised yet again, especially given that it was the subject of General Assembly resolutions. As proof that he had not misrepresented the position of the European Union, he would send a copy of the relevant text to the representative of Algeria.

62. The Western Sahara question was not a decolonization issue. After all, Spain — and not Morocco — had been the occupying Power in the Sahara. He had used the term Frente POLISARIO since one was obliged to call them something. It had, of course, been Morocco's "liberation army" that had set the Western Sahara free. The Saharan people lived in peace and enjoyed all their rights, including freedom of movement and expression. The same could not, however, be said of the "refugees" detained in the Tindouf camps. If the host country (Frente POLISARIO, after all, was not the responsible party) had permitted their return to Morocco, the Sahara question would long have been settled.

63. The representative of Algeria knew full well that he had not merely raised issues which were the object of consensus and that the international community was currently pursuing an alternative solution to the problem. Morocco would support the settlement plan provided it could be implemented. Multiple obstacles remained, but his Government had generously offered to engage in dialogue.

64. **Mr. Baali** (Algeria) said he was extremely surprised that the representative of Morocco had been so shocked and bothered by his response. He had, after all, only used arguments based on General Assembly resolutions. Morocco should rest assured that Algeria would not be silent when it was a question of defending something close to its own heart; it would speak out whenever and wherever the right of people to self-determination was flouted.

65. With regard to the refugee issue, repatriation was part and parcel of the settlement plan, but the plan itself was being blocked because the Moroccan Government had submitted appeals relating to more than 100,000 persons. The Office of the United Nations High Commissioner for Refugees, which maintained a field presence in Tindouf, had asked the refugees on numerous occasions whether they wished to return to Morocco. The overwhelming majority had stated that they preferred to wait until the settlement plan was under way and the identification process was complete, so that they could return to Saharan territory in time for the referendum.

66. As for the so-called support of the European Union, he had been assured by its current presidency that no such statement had been made.

Agenda item 118: Programme planning (A/55/6 and A/55/16; A/C.3/55/6)

Consideration of the medium-term plan for the period 2002-2005

67. **Mr. Reyes Rodriguez** (Cuba) expressed regret that the medium-term plan had not been available earlier in the year; and the various committees had not, therefore, had an opportunity to provide input. His delegation wished to make a few observations on programme 19 on human rights (A/55/6 (Prog. 19)). It was unfortunate that, despite the wishes of numerous developing countries, no programme for follow-up of the right to development had been created and that right was still included with many other important issues in subprogramme 1; he therefore wondered how much attention would really be given to the right to development. Accordingly, he proposed that a new subprogramme should be drawn up specifically to deal with the right to development. He was concerned that the Office of the United Nations High Commissioner for Human Rights should continue to work through the agencies and programmes of the United Nations and follow the rights-based approach, but there did not seem to be any specific actions planned to promote the right to development.

68. He was also concerned that the new focus on indicators of achievement did not accurately reflect priorities and would be the subject of much debate; for example, according to paragraph 19.11 (a), one indicator would be the number of cooperation agreements implemented between OHCHR and major development agencies and organizations, but there did not seem to be any provision for evaluating the quality and effectiveness of those agreements.

69. Turning to paragraphs 19.13 (b) and (c), he said that support for treaty bodies and the formulation of plans of action relating to human rights instruments overstepped the mandate of the High Commissioner and the terms of reference of the subprogrammes and the Support Services Branch. Likewise, he believed that there had been no mandate for the creation of an emergency response task force as indicated in paragraph 19.20. In fact, when the High Commissioner had reported to the Commission on Human Rights, many delegations had been highly critical of such a step, which once again overstepped her mandate as set out in General Assembly resolution 48/141. Such a task force would only serve to increase politicization of United Nations human rights efforts and would be totally unacceptable to his delegation.

70. **Mr. Hamidullah** (Bangladesh) said that his delegation attached particular importance to subprogramme 1 of programme 19 (A/55/6 (Prog. 19)). Although delegations had agreed on many points, substantial differences remained. It was his own delegation's view that the right to development had not been adequately addressed. Moreover, the international aspects were absent.

71. **Mr. Heyward** (Australia), welcoming the crucial inclusion of indicators of achievement, said that some refinement was, however, necessary. He disagreed with the representative of Cuba that the right to development should form a separate subprogramme, since that right was still being actively discussed in United Nations human rights bodies. With regard to subprogramme 1, the objective to realize the right to development (A/55/6 (Prog. 19), para. 19.5) appeared somewhat ambitious, particularly since its realization depended on many other factors, such as good governance.

72. In relation to subprogramme 2 (Supporting human rights bodies and organs), the strengthening of the analytical capacity of the human rights treaty monitoring bodies (para. 19.13 (a)) should also be reflected in the indicators of achievement, as should the reduction of the time-lapse between the submission and examination of periodic reports. It might also be worth developing an indicator to measure the satisfaction of participants and observers regarding the conduct of meetings.

73. Regarding subprogramme 3 (Advisory services, technical cooperation, support to human rights fact-finding procedures and field activities), his delegation was particularly concerned to ensure that the strategy provided adequate recognition of the work of the Office of the United Nations High Commissioner for Human Rights, particularly in respect of technical assistance to develop national plans of action to promote and protect human rights, to support national human rights infrastructure and human rights education. The indicators of achievement should not merely involve an "enumeration" of national human rights action plans and institutions (para. 19.23 (c)), but provide some measurement of progress achieved. He would be providing more detailed comments in writing.

74. **Mr. Bhatti** (Pakistan) said that, during discussions in the Committee for Programme and Coordination, it had become clear that there were problems and it had been recommended that further discussions be put off until the Third Committee had had a chance to meet. He suggested that the Fifth Committee, during its discussions on the subject, with the assistance of input from the Third Committee, would be able to resolve expeditiously issues related to the sensitive area of human rights, on which it was difficult to reach a consensus. With regard to paragraphs 19.13 (b) and (c) and 19.20, he agreed with the representative of Cuba that those paragraphs required in-depth discussion, and once again suggested that they should be taken up in the Fifth Committee, with input and support from the Third Committee.

75. **Mr. Yu** Wenzhe (China) recalled that, after the meetings of the Committee for Programme and Coordination, interested delegations had held informal consultations with a view to achieving a consensus; however, more time was necessary to resolve outstanding problems, for example with regard to the right to development and to paragraphs 19.13 (c) and 19.20 as well as the terms of reference for various agencies and bodies. He therefore agreed with the representative of Pakistan that the Fifth Committee should discuss those questions in detail, assisted by input from the Third Committee.

76. **Mr. Tapia** (Chile) agreed in general with the statement by the representative of Australia and also agreed that the subprogrammes should be discussed in more detail in the Fifth Committee. He stressed the importance of having appropriate indicators to analyse progress made in the human rights field as well as the efficacy of the subprogrammes. Those indicators still required some refining, for example, all subprogrammes should integrate the gender perspective and the rights of women.

77. **Mr. Kulitz** (Germany) recalled the importance of the medium-term plan as an expression of States' expectations of the Secretariat. When the Committee for Programme and Coordination could not reach agreement on the draft plan, it was the Fifth Committee which had to find a solution before the plan could be adopted by the General Assembly. The Committee's discussions at its latest session had, however, been generally successful and it would be in a position to present an agreed draft on 24 of the 25 programmes to the Fifth Committee. Unfortunately, owing to a lack of time, no consensus had been reached on programme 19, and the Committee would therefore pass on to the Fifth Committee only a summary of the views expressed on that issue as well as amendments proposed by delegations, including Germany.

78. He stressed his delegation's keen interest in the successful conclusion of deliberations on the human rights programme in the Fifth Committee; it would participate actively in reaching agreement on a substantial and forward-looking text which properly described the tasks assigned to the Office of the High Commissioner for the period 2002-2005 and which would enable the Office to further develop its activities and initiatives.

79. **Mr. Welsh** (United Kingdom) expressed his support in general for the work of the High Commissioner's Office and, with regard to the medium-term plan, stressed the importance of including indicators which would help evaluate the effectiveness of work undertaken. With regard to the right to development, he agreed that consensus must be achieved at the current session of the General Assembly and was optimistic that, building on the progress made in Geneva, and given sufficient time, delegations should be able to reach consensus.

80. **Mr. Mekdad** (Syrian Arab Republic) said that the medium-term plan should reflect delegations' common understanding of the tasks of the Secretariat. He therefore wondered why paragraph 19.20 dealt with the creation of an emergency response task force within the Secretariat, for which there had been no mandate. Creation of such a task force was a complex and sensitive matter which could complicate the work of the United Nations in the area of human rights. Any such undertaking must first be discussed and understood by all Member States before being included in the medium-term plan.

81. **Ms. Mesdoua** (Algeria) expressed her grave reservations about paragraph 19.20, as there had been no mandate for the creation of an emergency response task force. The creation of any such mechanism must be undertaken within the framework of a clear mandate and following the rules of procedure, and that issue should be discussed in detail not only in the Fifth Committee but also in general discussions of human rights issues. She also stressed that any indicators should be adopted on a consensus basis following consultations with States, especially in the sensitive

area of human rights. With regard to the right to development, she noted the work of the Working Group on the Right to Development and hoped that the relevant draft resolution would be adopted by consensus and that the High Commissioner would assign increased priority to that right.

82. **Mr. Campuzano** (Mexico) agreed with the United Kingdom representative that it was simply a lack of time that had prevented consensus in the Committee for Programme and Coordination, and stressed the need for the Committee to allow sufficient time for review of reports submitted to it. He also stressed the need for the directors of programmes to be present at meetings of the Committee in order to facilitate discussion of reports as well as the medium-term plan, especially given the relatively brief time allotted.

83. **Mr. Oda** (Egypt) said, with regard to paragraph 19.20, that the High Commissioner had not received authorization to create an emergency response task force; mention of that task force should be removed from the report and OHCHR should work within its mandate as stated in General Assembly resolution 48/141. The right to development should be given a higher priority and his delegation would work to ensure that the draft resolution on the right to development was adopted by consensus. He hoped that the Working Group meeting in Geneva would arrive at a consensus on the concept of the right to development as part of a continuing dialogue on the definition of the right to development, as stated in the Declaration on the Right to Development.

The meeting rose at 5.50 p.m.